

FACTSHEET

TITLE: **WAIVER NO. 03008**, requested by Brent Braun, to waive right-of-way, water mains and depth-to-width ratio requirements associated with the Braun Addition administrative final plat, on property generally located at Stockwell Street and South Folsom Street.

STAFF RECOMMENDATION: Conditional approval of the waiver of water mains and right-of-way, and denial of the waiver of depth-to-width ratio.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 08/06/03
Administrative Action: 08/06/03

RECOMMENDATION: Conditional approval of the waiver of water mains and right-of-way, and denial of the waiver of depth-to-width ratio (9-0: Carlson, Duvall, Krieser, Larson, Marvin, Bills-Strand, Taylor, Schwinn and Steward voting 'yes').

FINDINGS OF FACT:

1. These waiver requests are associated with an administrative final plat, the purpose of which is to adjust lot lines between two existing lots.
2. The staff recommendation to approve the waiver of water mains until such time as this area develops; to approve the waiver of the right-of-way requirement; and to deny the waiver of lot depth-to-width ratio is based upon the "Analysis" as set forth on p.3-4, concluding that:
 - a) Waiving the requirement of water mains until such time as this area develops is acceptable; provided the owner signs a subdivision agreement that includes provisions for the improvements.
 - b) The existing house and garage are nonstandard uses because they do not meet the front yard setback for R-3. Due to the unusual circumstances of the existing garage, waiving the right-of-way requirement is acceptable, provided the owner signs a subdivision agreement that includes provision for dedicating right-of-way when W. Stockwell Street is improved.
 - c) The proposed lot could be redesigned to meet the depth-to-width ratio (See Analysis #8, p.4; Also See Minutes, p.6). Staff requests that redesign in order to facilitate future subdivision into additional lots when water and sewer are available.
3. The applicant's testimony is found on p.5, and testimony in support by the property owner directly west of the subject property is found on p.5. The applicant agreed with the staff recommendation, except for the denial of the waiver of lot depth-to-width ratio.
4. The Planning Commission discussion with staff is found on p.6. If the waiver of depth-to-width ratio is denied, the applicant will be required to revise the lot lines on the administrative final plat to meet the required 3-to-1 depth-to-width ratio.
5. On August 6, 2003, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend conditional approval of the waiver of water mains and right-of-way, and **denial** of the waiver of lot width-to-depth ratio (See Minutes, p.6-7).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: August 12, 2003

REVIEWED BY: _____

DATE: August 12, 2003

REFERENCE NUMBER: FS\CC\2003\WVR.03008

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for AUGUST 6, 2003 PLANNING COMMISSION MEETING

P.A.S.: Waiver #03008

PROPOSAL: Waive right-of-way, water mains and depth to width ratio associated with Braun Addition, Administrative Final Plat #03046.

LOCATION: Stockwell St. & South Folsom St.

LAND AREA: 2.39 acres

CONCLUSION: The purpose of the plat is to adjust lot lines between two existing lots. Waiving the requirement to water mains until such time as this area develops is acceptable; provided the owner sign a subdivision agreement that includes provisions for the improvement. The proposed lot could be redesigned to meet the depth to width ratio.

The existing house and garage are non standard uses because they do not meet the front yard setback for R-3. Due to the unusual circumstances of the existing garage, waiving the requirement to right-of-way is acceptable, provided the owner sign a subdivision agreement that includes provisions for dedicating right-of-way when W. Stockwell St. is improved.

RECOMMENDATION:	Waiver to water mains	Conditional Approval
	Waiver to right-of-way	Conditional Approval
	Waiver to depth to width ratio	Denial

GENERAL INFORMATION:

LEGAL DESCRIPTION: A part of Lots 9 & 10 Burnhams Subdivision located in the NE 1/4 of the SW 1/4 of Section 3 Township 9 North Range 6 East of the 6th P.M., Lancaster County, Nebraska.

EXISTING ZONING: R-3, Residential

EXISTING LAND USE: Single family residential

SURROUNDING LAND USE AND ZONING:

North:	R-3-Residential	Single family residential
South:	P-Public	Water Tower and Rural fire station
East:	R-3- Residential	Single family residential
West:	R-3- Residential	Single family residential

HISTORY:

May 13, 2003 Administrative final plat #03046 was submitted to the Planning Department for review.

This area changed zoning from A-1, Single Family Dwelling District to R-3 Residential District in the 1979 zoning update.

UTILITIES: The area is served by city sanitary sewer and private water wells.

TRAFFIC ANALYSIS: Stockwell St. is a rural gravel street.
S. Folsom St. is a paved rural cross section street. The 2025 Comprehensive Plan designates S. Folsom St. as a minor arterial.

ANALYSIS:

1. This request is to waive water mains, right-of-way(ROW) and depth to width ratio associated with an administrative final plat. (Sec. 26.27.030, 26.23.040 and 26.23.140).
2. This application is in association with Braun Addition Administrative Final Plat #03046.
3. The area has two existing houses. Each house is served by city sanitary sewer and a private water well.
4. The subject property is located within the proposed Yankee Hill annexation area. This area is tentatively scheduled to be annexed by the end of this year.
5. The existing garage and house are nonstandard because they do not meet the current front yard setback for the R-3 district. When there is a corner lot there shall be a required front yard on each street side. The front yard setback for R-3 is 20'.
6. The request to waive the ROW width is associated with Braun Addition plat. The Land Subdivision Ordinance requires that streets meet minimum ROW width. W. Stockwell St. is required to have 60' total ROW. The existing ROW from the centerline of W. Stockwell St. currently varies from 25' to 27.5' to 30'. There is an existing garage that is located one foot inside the property line. With the additional ROW, the garage would be 1.5' inside the ROW. The applicant has stated that the garage is attached to a foundation and was built at the same time as the house, approximately 1920. The location, construction and age of the garage places an undue burden on the property owner. The garage could remain, if the applicant signs a subdivision agreement tied to the plat that states that at the time West Stockwell St. is improved the owner will dedicate the required additional right-of-way at no cost to the City.
7. The applicant has also requested a waiver to Section 26.27.030 to have a water distribution system constructed in conformance with the water main design standards of the city. Both properties are served by private water wells. Although this area is scheduled to be annexed

in the near future, there is no time line as to when a water main will be built in S. Folsom St. Public Works and Utilities Department is agreeable to this waiver with the stipulation that if either lot subdivides in the future the lots must connect to city water.

8. Section 26.23.140 of the Land Subdivision Ordinance requires lots to have a maximum depth of three times its width. The applicant states that his intention is to make both properties of equal length and parallel to one another. Currently the lot for 3921 S. Folsom St. is 93' x 110' with the other lot having the remainder of the property (see attached subdivision permit). The proposed lots could be reconfigured to meet the depth to width ratio while still making a larger lot for 3921 S. Folsom St. This could be accomplished by reducing the length or increasing the width of the southern lot.

Prepared by:

Tom Cajka
Planner

DATE: July 28, 2003

APPLICANT: Brent Braun
3921 S. Folsom
Lincoln, NE 68522

OWNER: same as applicant

CONTACT: same as applicant

WAIVER NO. 03008

PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 6, 2003

Members present: Bills-Strand, Larson, Duvall, Carlson, Krieser, Taylor, Marvin, Steward and Schwinn.

Staff recommendation: Conditional approval of the waiver of right-of-way and water mains, and denial of the waiver of depth-to-width ratio.

Ex Parte Communications: None.

Proponents

1. Brent Braun, 3921 So. Folsom, presented the application. With the exception of probably three or four years in his 58 years, he has lived and owned this property. His original intent was to take 3921 So. Folsom and make it parallel to the property at 3915 Folsom, which forms an L-shaped property. The roadway is quite remarkable--in some areas it is 30 feet and in some areas it is less than 30 feet, and he has a garage that is 1.5 feet inside the 30 ft. right-of-way of the roadway. He would consider moving the garage east at his own expense at the time that Stockwell Street is improved. Concerning the waiver of water mains, should he decide to subdivide this property again sometime in the future, he would agree to be responsible for being sure the property got water.

In response to a question raised by the applicant, Ray Hill of Planning staff advised that the depth-to-width ratio requirement has been in the Land Subdivision Ordinance since 1959, which regulation is an effort to basically prevent the long narrow lots that would be difficult to subdivide in the future.

Braun reiterated his request for the Commission's consideration. If he should want to increase the property at 3921 Folsom to the entire length and take part of the width off of 3915 Folsom, it brings him back to the same problem – the width is not in compliance.

Schwinn clarified that this is a request to waive the right-of-way in an administrative final plat.

Carlson confirmed that the applicant is desirous of having two lots that are parallel. Braun advised that 3915 is 125' wide and 3921 is 110' side. He won't change either of the widths. 3915 runs back 45 feet. His original intent was to take the L-shaped property and make both properties parallel to one another. He has no intention to subdivide this into any kind of housing development.

Schwinn asked whether the applicant will be removing the one garage that is too close to the street. The applicant suggested that if and when Stockwell Street would be developed into a regular paved street, he would agree to be responsible for moving the garage 1.5'. He also agrees with the water issue.

2. Burdette Schoen, 815 West Stockwell, who owns the property directly west of the property in question, stated that he has no objection to the waiver requests.

There was no testimony in opposition.

Staff questions

Carlson clarified that the applicant wants two lots, one 125 x 436 and one 110 x 436. Ray Hill of Planning staff referred to p.172 of the agenda, which is what the applicant is requesting to accomplish. Again, the staff's concern has to do with the lot to the south--not the lot abutting W. Stockwell. The staff believes that this subdivision, if approved in this manner, may constrain any future subdivision. With the long narrow direction east and west, if someone wanted to subdivide and move down to the area to the south, then we would be again dealing with two different property owners and that is where we have found difficulty because the two property owners are not agreeable as to design or timing of future development. The staff's recommendation looks further into the future as to how this land will someday be subdivided, and it is the staff's opinion that the way it is proposed now will restrict future subdivision of this area. The staff believes that the applicant could resubdivide by drawing the line in a different fashion and still meet the depth-to-width ratio--for example, the lot that abuts W. Stockwell could be turned into an L so that the property not abutting Stockwell would meet the 3-to-1 ratio.

Carlson inquired whether there is opportunity to do lots that face W. Stockwell. Hill's response was that if the property is subdivided in this way, the property that abuts W. Stockwell could be subdivided by lining the lots up along W. Stockwell, and then there would be no way of getting back to the lot that does not abut W. Stockwell.

Schwinn clarified that the north unit (3915) is too close to Folsom. Hill concurred. This area is part of a future annexation to provide water to the area.

Schwinn wondered whether denying the depth-to-width ratio waiver would mean the applicant cannot do the subdivision. Hill indicated that he can do the subdivision, but he will have to revise the lot lines to make the 3-to-1 ratio.

Bills-Strands believes granting the waiver creates another problem. But, Larson believes he could further subdivide and create two lots on Stockwell. Hill suggested that he could create three lots and that would take care of the ratio problem. Hill reiterated that the staff is looking further into the future as to how this land can be subdivided.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

August 6, 2003

Taylor moved to approve the staff recommendation, seconded by Carlson.

Larson thinks the staff recommendation kills the whole subdivision. Schwinn suggested that the applicant would be required to look for other ways to make it work. The way he wants to do it would not be possible.

Carlson suggested that the applicant could just make a third lot in back of both of them. Bills-Strand added that he would not have to sell it off.

Marvin agrees that there are other ways to draw the line.

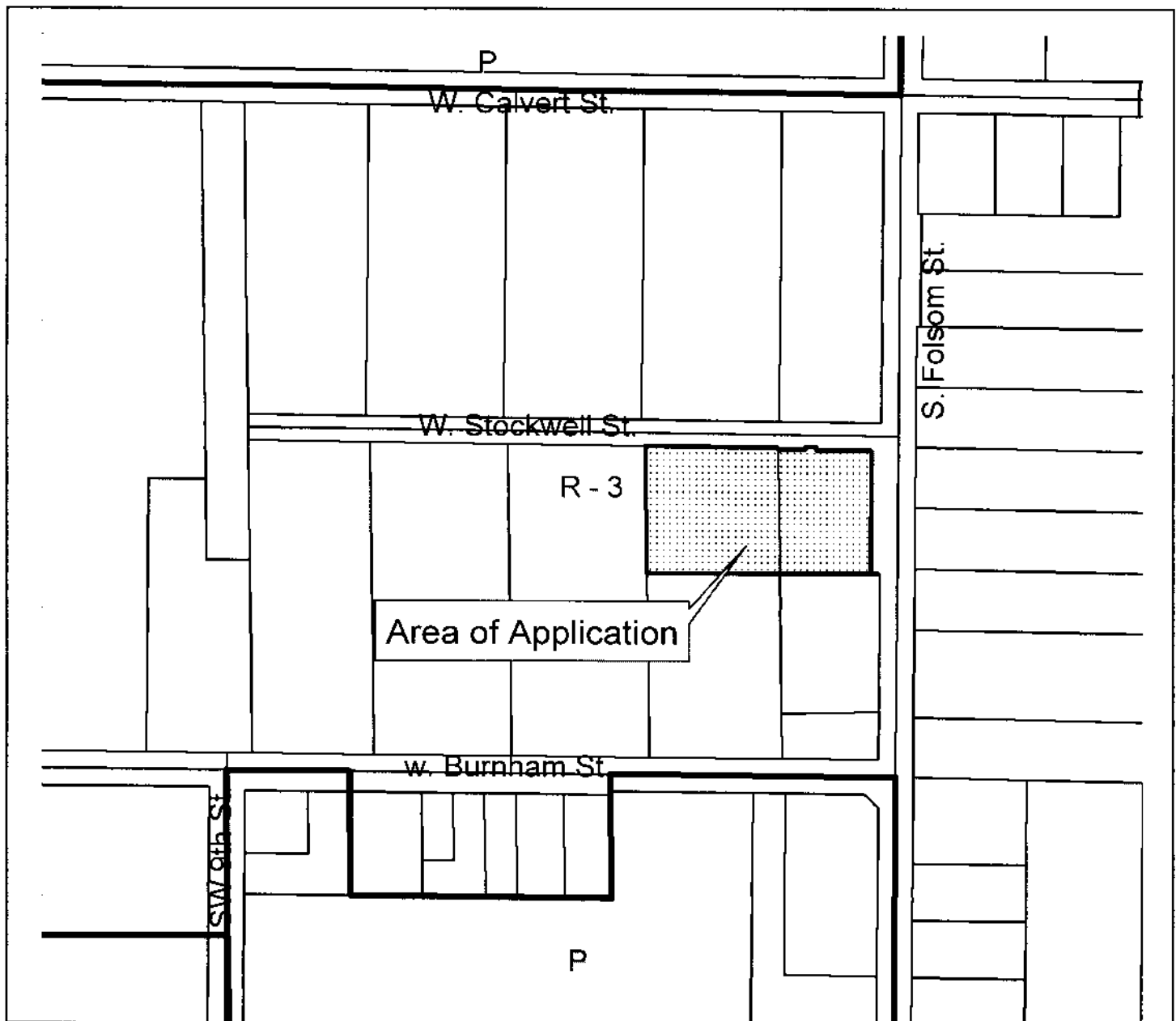
Motion to approve the staff recommendation to approve the waiver of right-of-way and water mains, and to deny the depth-to-width ratio waiver, carried 9-0: Bills-Strand, Larson, Duvall, Carlson, Krieser, Taylor, Marvin, Steward and Schwinn voting 'yes'.



Waiver #03008
W. Stockwell & S. Folsom St.



Lincoln City - Lancaster County Planning Dept.
2002 serial

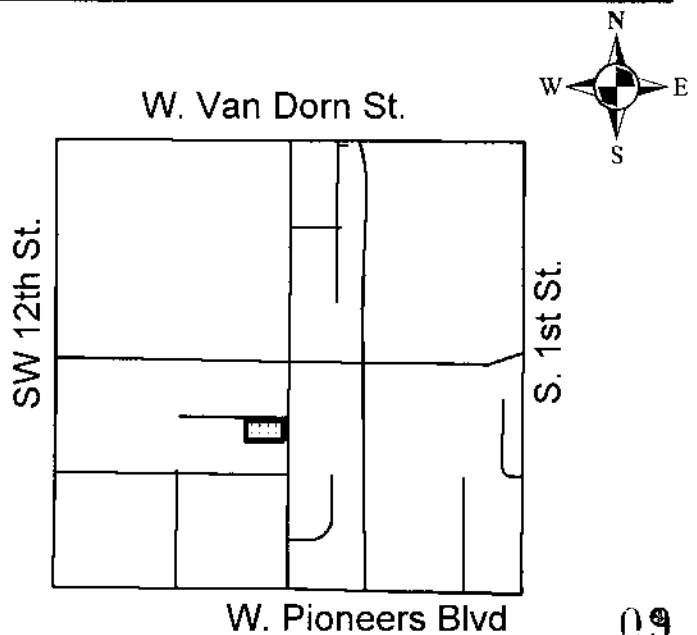
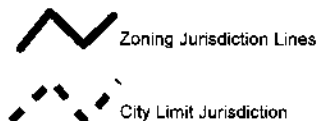


Waiver #03008 W. Stockwell & S. Folsom St.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 3 T9N R6E



09

Official Survey Record

Phone (402)
Fax (402) 43

ALLIED SURVEYING AND MAPPING, INC.

6120 South 58th Street - Suite "A" - Lincoln, Nebraska 68516

LANCASTER County, Nebraska

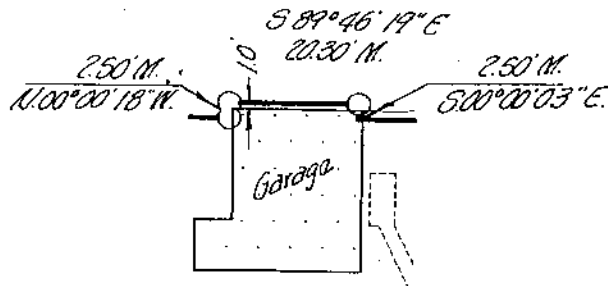
a part of Lots 9 & 10 Burnham's Subdivision located in the Northeast Quarter of the Southwest Quarter of Section 3 T. 9 N., R. 6 E of the 6th

31862

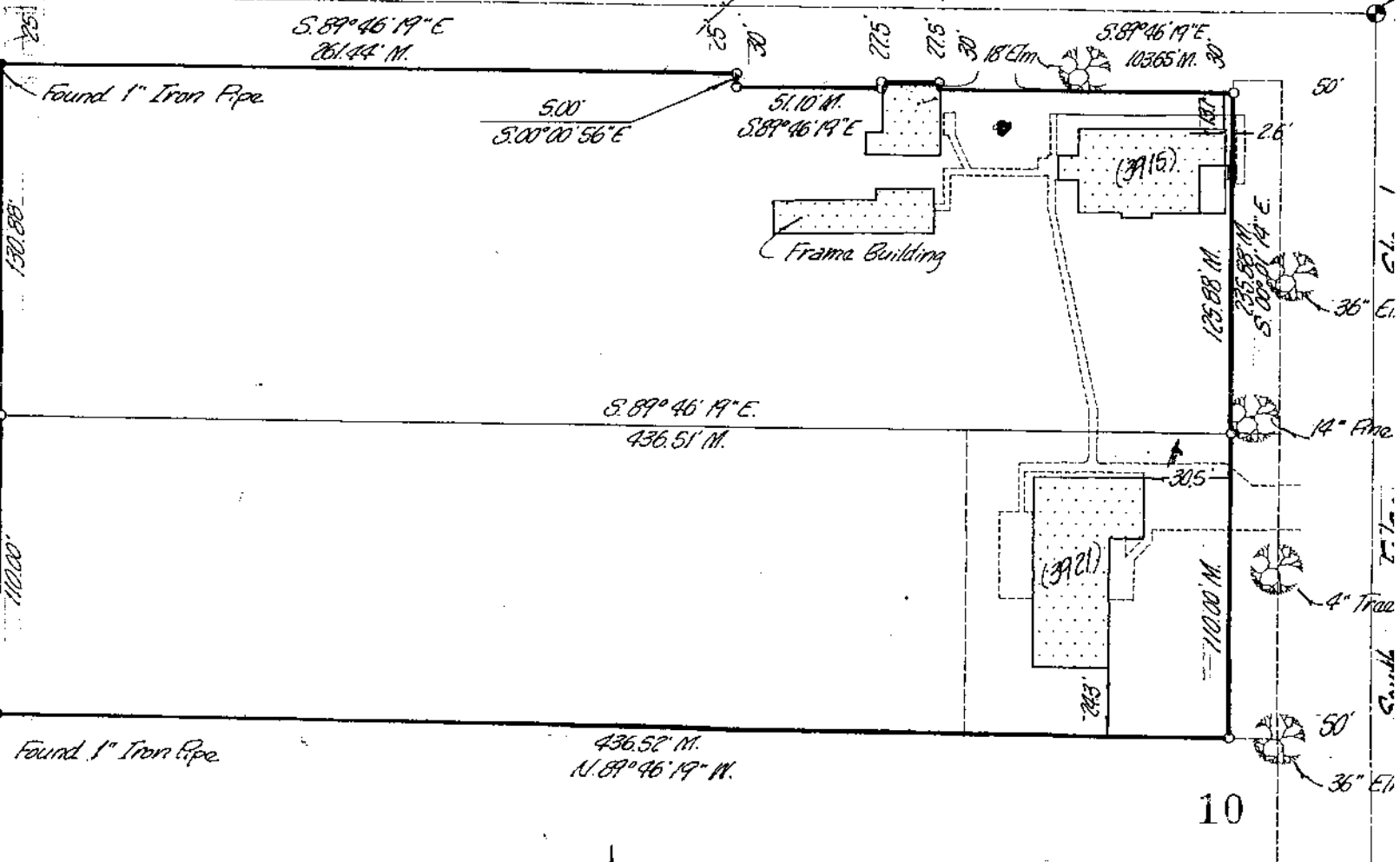
Sheet 1 of

April

Detail:



West Stockwell Street



FEE \$ 10.⁰⁰ (FIVE (one dollar:per parcel))

NO. 1617

SW 1/4, SEC. 3 T. 9 N., R. 6 E.

APPLICATION FOR SUBDIVISION PERMIT

TO THE LINCOLN CITY—LANCASTER COUNTY PLANNING DEPARTMENT

The undersigned hereby applies for a permit to subdivide the following described parcel of land:

LEGAL DESCRIPTION OF PROPERTY SEE ATTACHED EXHIBIT 'A'

in Lancaster County, Nebraska

DESCRIPTION OF PARCELS CREATED:

DESCRIPTION KEY: Parcel numbers are not to be used for legal descriptions.

PARCEL 1 SEE ATTACHED EXHIBIT 'A'

PARCEL 2 SEE ATTACHED EXHIBIT 'A'

PARCEL 3

PARCEL 4

APPROVED THIS 12 DAY OF SEPT 1975

1. CITY OF LINCOLN, AND ITS CITY COUNCIL

D.E. BROGDEN BY Walter G. Muel
PLANNING DIRECTOR

—OR—

2. LANCASTER COUNTY, AND
ITS COUNTY BOARD

CHAIRMAN, COUNTY BOARD

COUNTY SURVEYOR

W. STUCKWELL ST.

NORTH



2.

1.

FOURTH ST.

I HEREBY CERTIFY THAT THE ABOVE
STATEMENTS ARE CORRECT

Kymon M. Darr

11

Walter G. Muel
OWNER

EXHIBIT 'A'

Legal Description of Property:

The North 241 feet of Lot 10, Burnham Subdivision in the SW 1/4 of Section 3, T9N, R6E of the 6th P.M., Lancaster County, Nebraska.

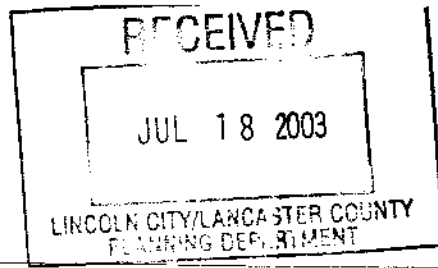
Description of Parcels Created:

Parcel 1:

The West 93 feet of the East 110 feet of the South 110 feet of the North 241 feet of Lot 10, Burnham Subdivision in the SW 1/4 of Section 3, T9N, R6E of the 6th P.M., Lancaster County, Nebraska.

Parcel 2:

The North 241 feet of Lot 10, except the East 17 feet thereof, and except the South 110 feet of the West 93 feet of the East 110 feet thereof, and except the North 5 feet of the West 51.1 feet thereof and except the North 5 feet of the West 103.6 feet of the East 120.6 feet thereof, in Burnham Subdivision in the SW 1/4 of Section 3, T9N, R6E of the 6th P.M., Lancaster County, Nebraska.



7-16-03

Tom:

In response to your call, concerning consideration of my request for waivers
1. the first request of the 50' rightway of Stockwell St.

All property involved would be okay except for the fact, there is a garage located on the property that is a foot and a half

inside of the 50' righting.

The garage is attached to a foundation, and was built at the same time as the present house that is located there.

I. Request concerning the city water coming to our area sometime in the future. Both properties at the present time are

supplied by water through
each having its own well
supply.

3. Request concerning the
length of the property at
3921 Tolson being more
than three times its
width.

My intention is to make
both properties of equal
length and being parallel

to one another.

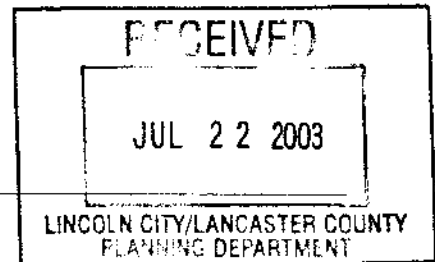
I have no intention
of subdividing these subjects
now or any time in
the future.

We want to keep them
as two units.

If you have other questions
please give me a call.

Thank you again for all of
your help. I am

M e m o r a n d u m



To: Tom Cajka, Planning Dept
From: 68 Bruce Briney, Public Works and Utilities
Subject: Administrative Final Plat #03046, Braun Addition
Date: July 21, 2003
cc: Nicole Fleck-Tooze
Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the application for Administrative Final Plat #03046 for Braun Addition located at West Stockwell Street and South Folsom Street. Public Works has the following comment:

- There is currently no public water main available to serve the lots in Braun Addition. The existing lots are served by private water mains. Public Works agrees to waive the requirement that the lots be served by a public water main until such time as the lots are further subdivided. At the time the lots are subdivided, they will be required to connect to City water service.

M e m o r a n d u m

[REDACTED]

To: Tom Cajka, Planning Dept

From: Bruce Briney, Public Works and Utilities

Subject: Administrative Final Plat #03046, Braun Addition
Waiver of the Required Right-of-Way

Date: July 29, 2003

cc: Nicole Fleck-Tooze
Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the Application for Administrative Final Plat #03046 for Braun Addition located at West Stockwell Street and South Folsom Street. Public Works has the following comment:

- Due to the intrusion into the required right-of-way of West Stockwell Street of an existing garage which cannot be moved, Public Works agrees to waive the right-of-way requirements of West Stockwell Street until such time as the lots are further subdivided. At the time the lots are subdivided the minimum right-of-way requirements for a local street will be required to be dedicated and West Stockwell Street will be required to be paved.

Date of Memo: 7-29-03

J:\files\Basket\Briney\ AFP03046 Braun Add .wpd

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Tom Cajka

DATE: July 21, 2003

DEPARTMENT: Planning

FROM: Chris Schroeder
Doug Smith

ATTENTION:

DEPARTMENT: Health

CARBONS TO: EH File
EH Administration

SUBJECT: Waiver 3008
Braun Addition

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the waiver application and does not object to the proposed changes.